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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,846	07/26/2001	H. Winnfred Smith	1693 (4000-05000)	7187
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OVERLAND PARK, KS 66251-2100			2142	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,846

Applicant(s)

SMITH, H. WINNFRED

Examiner

Thong H. Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2142

1. Claims 1-13,15,17-26,28,30,32 have been amended. Claims 14,16,27,29,31,33 are canceled.

Response to Arguments

2. Applicant's arguments, see Request for Reconsideration, filed 4/01/05, with respect to the Withdrawal of Final Office action have been fully considered and are persuasive. The Final Office Action has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,20 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Berlovitch et al [Belovitch, 6,061,334].

3. As per claim 1, Berlovitch discloses a method for managing change to protect the integrity of an enterprise's operating environment [Berlovitch, an enterprise, col 10 line 25] comprising the steps of:

(a) submitting a change request document by a change requester to a change manager for validation [Berlovitch, send information of any network change, col 29 lines 22-28; confirmed change, col 11 lines 35-60 et seq.; verify, col 12 lines 7-15];

(b) a proposed change described in a valid change request document to at least one potentially interested operating unit within the enterprise wherein said change consists of modifications to hardware, software or both in an electronic computing system of the enterprise [Berlovitch, proposed configuration, col 28 lines 27-41; col 32 lines 4-11; col 33 lines 45-53; logical change and physical change, col 26 lines 1-8; col 36 lines 31-47]

(c) reviewing said proposed change by a review team comprising said change manager [Berlovitch, review the current configuration, col 29 lines 39-45; change manager, col 5 lines 62]

broadcasting notice of a proposed change request or a representative of each potentially interested operating unit receiving notification of said proposed change [Berlovitch, broadcasts the change, col 9 lines 48-53; col 22 lijnes 42-48] and choosing to participate in said review team, said review team recommending a course of action regarding said proposed change [Berlovitch, recommend, col 28 lines 65-col 29 line 36; col 31 line 57-col 32 line 67]; (d) notifying said change requester of said review team's recommended course of action regarding said proposed change [Berlovitch, notifying servers and clients, col 21 lines 43-47].

4. As per claim 2, Berlovitch discloses the step of said change requester revising and resubmitting a change request document rejected by the review team [Berlovitch, recommended configuration, col 28 line 65; suggested configuration, col 31 line 60].

Art Unit: 2142

5. As per claim 3, Berlovitch discloses the step of said change requester canceling a change request document rejected by the review team [Berlovitch, press cancel, col 29 line 33].

6. Claim 20 contains the similar limitations set forth of apparatus claim 1. Therefore, claim 20 is rejected for the similar rationale set forth in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-13,15,17-19, 21-26,28,30,32 are rejected under 35 U.S.C. § 103 as obvious over Berlovitch et al [6,061,334] in view of Zweben et al [Zweben, 5,768,586].

8. As per claim 21 contain the similar limitation set forth in claim except (g) scheduling of said change by said change manager with collaboration from at least one potentially interest operating unit; (h) notifying each potentially interested operating unit of the schedule for and details the implementation of said change;

A skilled artisan would have motivation to improve the change management process and found Zweben. In the same endeavor, Zweben discloses a net change management for the enterprise object-oriented system using the scheduling system [Zweben, scheduling system, col 6 lines 8-64 et seq.].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the scheduling system as taught by Zweben into the Berlovitch's apparatus in order to utilize the enterprise system. Doing so would provide a automatically tracking and maintaining information regarding changes in the modeled system during dynamic operation of the model.

9. As per claim 4, Berlovitch-Zweben disclose the step of said change manager, with input from said review team, scheduling implementation of a change described in a change request document approved by the review team [Zweben, scheduling system, col 6 lines 8-64 et seq.].

10. As per claim 5, Berlovitch-Zweben disclose the step of said change manager notifying each potentially interested operating unit of the schedule for and details of implementation of said change [Zweben, scheduling system, col 6 lines 8-64 et seq.].

11. As per claim 6, Berlovitch disclose the step of said change requester or a designee of the change requester or change manager implementing said change [Zweben, scheduling system, col 6 lines 8-64 et seq.].

12. As per claim 7, Berlovitch-Zweben disclose the step of updating document with the status of said change [Berlovitch, updated the physical and logical change in the network, col 25 lines 40-52].

Art Unit: 2142

13. As per claim 8, Berlovitch-Zweben disclose the step of said change manager notifying each potentially interested operating unit that said change has been implemented [Berlovitch, notifying servers and clients, col 21 lines 43-47].

As per claim 9, Berlovitch-Zweben disclose at least one potentially interested operating unit is an asset management organization responsible for maintaining an inventory of the enterprise's assets as inherent feature of the real-time control and management network enterprises.

14. As per claim 10, Berlovitch-Zweben disclose performing an analysis of the effectiveness of the change management method after implementation of said change [Berlovitch, analyzing, col 36 lines 13-30].

15. As per claim 11, Berlovitch-Zweben disclose generating a written report describing the effectiveness of said change management method with regard to said change [Berlovitch, report, history, col 29 lines 39-65].

16. As per claim 12, Berlovitch discloses assigning each change requester a security clearance level corresponding to an approved set of operations that the change requester may perform with respect to a change request document [Berlovitch, security, col 24 lines 58-63].

17. As per claim 13, Berlovitch-Zweben disclose viewing, editing, and submitting a change request document [Berlovitch, view and edit, col 28 lines 27-67; col 29 line 60-col 30 lines 16].

18. As per claim 15, Berlovitch-Zweben disclose implementing said change management method on an electronic computing system [Belovitch, change management, col 9 lines 38-65; col 12 lines 59—67; col 22 lines 33-41].

19. As per claim 17, Berlovitch-Zweben disclose the implementation of said change is unsuccessful [Berlovitch, error message, col 11 lines 50-60].

20. As per claim 18, Berlovitch-Zweben disclose (a) reversing all steps taken in the attempted implementation of said change [Zweben, scheduling system, col 6 lines 8-64 et seq.];

(b) notifying a potentially interested operating units of the unsuccessful implementation of said change [Berlovitch, notifying servers and clients, col 21 lines 43-47];

(c) updating said change request document with the status of said change [Berlovitch, updated the physical and logical change in the network, col 25 lines 40-52].

21. As per claim 19, Berlovitch-Zweben disclose (a) leaving in place any partial, successful steps taken in the implementation of said change [Berlovitch, implemented, col 9 lines 55 et seq.];

Art Unit: 2142

(b) scheduling or rescheduling any remaining steps to be taken in the implementation of said change [Zweben, scheduling system, col 6 lines 8-64 et seq.];

(c) notifying all potentially interested operating units of the status of said change [Berlovitch, notifying servers and clients, col 21 lines 43-47]; and

(d) updating said change request document with the status of said change [Berlovitch, updated the physical and logical change in the network, col 25 lines 40-52].

22. Claims 22-26,28,30 contain the similar limitations set forth of apparatus claims 7-11,15,18. Therefore, claims 22-26,28,30 are rejected for the similar rationale set forth in claims 7-11,15,18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
Art Unit 2142

